

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7214364
Issued: 8 May 2007
Serial No.: 10/613639 Examiner: J. Alstrum-Acevedo
Filing Date: 3 Jul 2003 Art Unit: 1616

For: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION
OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.324

Patentee hereby petitions to add the following named inventors to the instant application.

1. Manfred Keller
2. Frank-Christophe Lintz

Patentee respectfully submits that the error in omitting the foregoing inventors occurred without deceptive intent on the part of the actual inventors. Applicants further respectfully submit that the instant petition to correct inventorship is diligently made upon discovery of facts supporting the addition of the named persons as inventors of subject matter within the scope of the claims granted in the patent.

This petition is accompanied by:

☒ §1.324(b)(1): A statement from each person being added as an inventor that the inventorship error occurred without any deceptive intention on his part.

A copy of the originally signed Declaration and Power of Attorney for application Serial No.: 10/613,639 filed July 3, 2003 (issued as Patent No. 7,214,364), executed by all inventors on September 14, 2004.


☒ §1.324(b)(2): A statement from the current named inventor (Alan Bruce Montgomery) who is not submitting a statement under 37 CFR §1.324(b)(1), either agreeing to the change of inventorship or stating that he has no disagreement in regard to the requested change;

☒ §1.324(b)(3): A statement from the assignee, Gilead Sciences, Inc., of the parties submitting statements under 1.324(b)(1) and (b)(2) agreeing to the change of inventorship in the patent, and a statement in compliance with the requirements of 37 CFR 3.73(b);

☒ The fee set forth in 37 CFR §1.20(b),

The Commissioner is hereby authorized to charge Peters Verny, LLP Deposit Account 16-1331 for the fee associated with this petition and any additional fees required in connection with the instant petition.

Date: 09/16/2009



Hana Verny
Attorney for Applicants
Registration No. 30,518

Attorney Docket No.: 3818.02-5

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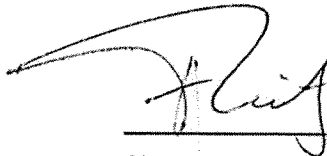
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OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

**STATEMENT OF NO DECEPTIVE INTENT BY PERSON BEING ADDED BY PETITION
TO CHANGE INVENTORSHIP IN PATENT BY PURSUANT TO 37 C.F.R. 1.324(b)(1)**

I, Frank-Christophe Lintz, a person who is being added as an inventor by the petition being submitted to correct the inventorship of this patent do hereby declare that the inventorship error in failing to include my name as an inventor of U.S. Patent No. 7214364 occurred without any deceptive intention on my part.

Frank-Christophe Lintz


Signature

08/24/09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7214364

Issued: 8 May 2007

Serial No.: 10/613639

Filing Date: 3 Jul 2003

Examiner: J. Alstrum-Acevedo

Art Unit: 1616

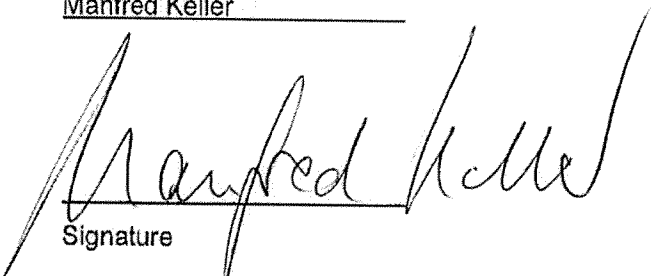
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P.O. Box 1450
Alexandria VA 22313-1450

**STATEMENT OF NO DECEPTIVE INTENT BY PERSON BEING ADDED BY PETITION
TO CHANGE INVENTORSHIP IN PATENT BY PURSUANT TO 37 C.F.R. 1.324(b)(1)**

I, Manfred Keller, a person who is being added as an inventor by the petition being submitted to correct the inventorship of this patent do hereby declare that the inventorship error in failing to include my name as an inventor of U.S. Patent No. 7214364 occurred without any deceptive intention on my part.

Manfred Keller


Signature

Attorney Docket No.: 3818.02-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7214364

Issued: 8 May 2007

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Commissioner for Patents
P.O. Box 1450
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**STATEMENT AGREEING TO CHANGE OF INVENTORSHIP IN PATENT BY
CORRECTLY NAMED INVENTORS PURSUANT TO 37 C.F.R. 1.324(b)(2)**

I, Alan Bruce Montgomery, an inventor signing below and who is correctly named in the
above identified patent, make the following statement in support of the petition to correct
the inventorship of this patent.

☐ I agree to the change of inventorship of Patent No. 7214364

☒ I have no disagreement in regard to the requested change of inventorship of Patent
No. 7214364.

Alan Bruce Montgomery

ALB R R
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7214364
Issued: 8 May 2007
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**CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP IN PATENT
PURSUANT TO 37 C.F.R. 1.324(b)(3)**

Gilead Sciences, Inc., owner by assignment of the above-referenced patent,
hereby consents to the change of inventorship to add Manfred Keller and Frank-
Christophe Lintz as co-inventors of US Patent No. 7214364.

Attached is a "Statement Under 37 C.F.R. 3.73(b)," establishing the right of the assignee
to take action in this case.

Date: 9-11-09


(Signature)

Frank Grassler
Vice President Intellectual Property,
Gilead Sciences, Inc.
(Title of signatory if signing on behalf of an entity)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Alan Bruce MontgomeryApplication No./Patent No.: 7,214,364 Filed/Issue Date: May 8, 2007Titled: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF PULMONARY BACTERIAL INFECTIONSGilead Sciences, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ an assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Alan Bruce Montgomery To: Corus Pharma, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 014674, Frame 0290, or for which a copy thereof is attached.
2. From: Manfred Keller and Frank-Christophe Lintz To: Corus Pharma, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 015290, Frame 0229, or for which a copy thereof is attached.
3. From: Chiron Corporation To: Corus Pharma, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 017215, Frame 0190, or for which a copy thereof is attached.

- ☒ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Frank Grassler
Signature

9-11-07
Date

Frank Grassler
Printed or Typed Name

Vice President Intellectual Property
Gilead Sciences, Inc.
Title

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: _____

Signature: _____ (Lorie Ann Morgan)

STATEMENT UNDER 37 CFR 3.73(b) - Supplemental Sheet

Continuation of chain of title from the inventor(s) to the current assignee.

4. From: Corus Pharma, Inc. To: Gilead Sciences, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 021719 , Frame 0001 , or for which a copy thereof is attached.
5. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____ , Frame _____ , or for which a copy thereof is attached.
6. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____ , Frame _____ , or for which a copy thereof is attached.
7. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____ , Frame _____ , or for which a copy thereof is attached.
8. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____ , Frame _____ , or for which a copy thereof is attached.
9. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____ , Frame _____ , or for which a copy thereof is attached.

**Assignments on the Web > Patent Query****Patent Assignment Abstract of Title**

**NOTE: Results display only for issued patents and published applications.
For pending or abandoned applications please consult USPTO staff.**

Total Assignments: 4

Patent #: 7214364 **Issue Dt:** 05/08/2007 **Application #:** 10613639 **Filing Dt:** 07/03/2003
Publication #: 20040062721 **Pub Dt:** 04/01/2004
Inventor: Alan Bruce Montgomery
Title: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Assignment: 1

Reel/Frame: 014674/0290 **Recorded:** 11/10/2003 **Pages:** 3
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: MONTGOMERY, ALAN BRUCE **Exec Dt:** 07/03/2003
Assignee: CORUS PHARMA, INC.
2025 FIRST AVENUE, SUITE 800
SEATTLE, WASHINGTON 98121
Correspondent: PETERS, VERNY, JONES & SCHMITT LLP
HANA VERNY
385 SHERMAN AVENUE, SUITE 6
PALO ALTO, CA 94306

Assignment: 2

Reel/Frame: 015290/0229 **Recorded:** 10/25/2004 **Pages:** 4
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignors: KELLER, MANFRED **Exec Dt:** 09/14/2004
LINTZ, FRANK-CHRISTOPHE **Exec Dt:** 09/10/2004
Assignee: CORUS PHARMA, INC.
2025 FIRST AVENUE, SUITE 800
SEATTLE, WASHINGTON 98121
Correspondent: PETERS, VERNY, JONES & SCHMITT LLP
HANA VERNY
425 SHERMAN AVENUE, SUITE 230
PALO ALTO, CA 94306

Assignment: 3

Reel/Frame: 017215/0190 **Recorded:** 09/06/2005 **Pages:** 3
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: CHIRON CORPORATION, A DELAWARE CORPORATION **Exec Dt:** 11/09/2004
Assignees: CORUS PHARMA, INC.
2025 1ST AVENUE
SUITE 800
SEATTLE, WASHINGTON 98121
SALUS PHARMA, INC., C/O CORUS PHARMA, INC.
2025 1ST AVENUE
SUITE 800
SEATTLE, WASHINGTON 98121
MONTGOMERY, ALAN BRUCE C/O CORUS PHARMA, INC.

2025 1ST AVENUE
SUITE 800
SEATTLE, WASHINGTON 98121
BAKER, WILLIAM C/O CORUS PHARMA, INC.
2025 1ST AVENUE
SUITE 800
SEATTLE, WASHINGTON 98121

Correspondent: RICHARD C. PEET
FOLEY & LARDNER LLP
WASHINGTON HARBOUR
3000 K STREET, N.W., SUITE 500
WASHINGTON, D.C. 20007-5143

Assignment: 4**Reel/Frame:** 021719/0001**Recorded:** 10/22/2008**Pages:** 6**Conveyance:** MERGER (SEE DOCUMENT FOR DETAILS).**Assignor:** CORUS PHARMA, INC.**Exec Dt:** 12/22/2006**Assignee:** GILEAD SCIENCES, INC.

333 LAKESIDE DRIVE
FOSTER CITY, CALIFORNIA 94404

Correspondent: PETERS VERNY, LLP
425 SHERMAN AVENUE, SUITE 230
PALO ALTO, CA 94306

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2

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Docket No.
3818.02-5

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS

the specification of which

(check one)

☒ is attached hereto.

☒ was filed on JULY 3, 2003 as United States Application No. or PCT International Application Number 10/613,639 and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

10/027,113	DECEMBER 20, 2001	PENDING
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

HANA VERNY (REG. NO. 30,518)

HOWARD M. PETERS (REG. NO. 29,202)

ALLSTON L. JONES (REG. NO. 27,906)

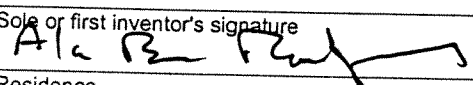
SUSAN M. SCHMITT (REG. NO. 34,427)

DAVID J. ASTON (REG. NO. 28,051)

PETERS, VERNY, JONES & SCHMITT LLP

Send Correspondence to: **HANA VERNY**
PETERS, VERNY, JONES & SCHMITT LLP
425 SHERMAN AVENUE, SUITE 230
PALO ALTO, CA 94306

Direct Telephone Calls to: *(name and telephone number)*
HANA VERNY (650)324-1677

Full name of sole or first inventor ALAN BRUCE MONTGOMERY	
Sole or first inventor's signature 	Date Sept 14 2004
Residence 3455 EVERGREEN PT. ROAD, MEDINA, WASHINGTON 98030	
Citizenship UNITED STATES	
Post Office Address SAME AS ABOVE	

Full name of second inventor, if any MANFRED KELLER	
Second inventor's signature	Date
Residence NEUNKIRCHNER STRASSE 60, 81379 MUNCHEN, GERMANY	
Citizenship GERMANY	
Post Office Address SAME AS ABOVE	

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

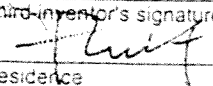
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 ALLSTON L. JONES (REG. NO. 27,906)
 SUSAN M. SCHMITT (REG. NO. 34,427)
 DAVID J. ASTON (REG. NO. 28,051)
 PETERS, VERNY, JONES & SCHMITT LLP

Send Correspondence to: HANA VERNY
 PETERS, VERNY, JONES & SCHMITT LLP
 425 SHERMAN AVENUE, SUITE 230
 PALO ALTO, CA 94306

Direct Telephone Calls to: *(name and telephone number)*
 HANA VERNY (650)324-1677

Full name of sole or first inventor ALAN BRUCE MONTGOMERY	
Sole or first inventor's signature	Date
Residence 3455 EVERGREEN PT. ROAD, MEDINA, WASHINGTON 98030	
Citizenship UNITED STATES	
Post Office Address SAME AS ABOVE	

Full name of second inventor, if any MAXFRED KELLER	
Second inventor's signature <i>Maxfred Keller</i>	Date <i>Sept. 14, 2004</i>
Residence NEUNKIRCHNER STRASSE 60, 81379 MUNCHEN, GERMANY	
Citizenship GERMANY	
Post Office Address SAME AS ABOVE	

Full name of third inventor, if any	FRANK-CHRISTOPHE LINTZ
Third inventor's signature	
Residence	WALDSPIELPLATZ 5, 82319 STARNBERG, GERMANY
Citizenship	GERMANY
Post Office Address	SAME AS ABOVE

Date
Sep. 10th 2004

Full name of fourth inventor, if any	
Fourth inventor's signature	
Residence	
Citizenship	
Post Office Address	

Date

Full name of fifth inventor, if any	
Fifth inventor's signature	
Residence	
Citizenship	
Post Office Address	

Date

Full name of sixth inventor, if any	
Sixth inventor's signature	
Residence	
Citizenship	
Post Office Address	

Date